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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

**FILE:** B-189833

**DATE:** November 28, 1977

**MATTER OF:** Bobbi Sue Vosper - Payment of Miscellaneous Expenses at "With Immediate Family" Rate

**DIGEST:** Customs Service employee who was married on September 27, 1975, transferred from Pembina, North Dakota, to Chicago, Illinois. Incident to that transfer employee moved into apartment in Chicago occupied by her husband who was also a Government employee stationed there. Transferred employee would be entitled to miscellaneous expenses without family rate of \$100 since transferred employee joined husband at residence previously established by him and miscellaneous expenses incurred incident to the transfer would not be in excess of that of employee without immediate family.

This matter concerns the request dated July 21, 1977, of Mr. Richard C. Hirst, Acting Regional Commissioner, Chicago Region, of the Department of the Treasury, United States Customs Service, for a decision as to whether the Customs Service may certify for payment a claim by Mrs. Bobbi Sue Vosper for miscellaneous expense at the "with immediate family" rate of \$200 incident to her transfer from Pembina, North Dakota, to Chicago, Illinois.

The record shows that in July 1975 claimant's future husband, Mr. Vosper, a North Dakota resident, received an appointment with the Immigration and Naturalization Service in Chicago. Mr. Vosper moved to Chicago in July 1975 and established a temporary residence at a YMCA hotel.

In August of 1975, the claimant, who resided in a mobile home in Pembina, North Dakota, traveled to Chicago for an interview for a grade GS-4 clerk-typist position which was to become vacant on September 28, 1975. At that time it was agreed that Mrs. Vosper would be authorized a lateral transfer and that she would receive relocation expenses incident to the transfer. The claimant and her future husband leased an apartment in the Chicago area, effective September 1, 1975, in anticipation of establishing their permanent residence in the Chicago area. This apartment was to be the residence of the couple upon Mrs. Vosper's transfer to Chicago.

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On or about September 1, 1975, Mr. Vosper vacated his room at the YMCA hotel and moved into the apartment. The couple were married in Minnesota on September 27, 1975, and subsequently traveled to Mrs. Vosper's residence in Pembina, North Dakota, prior to her transfer to Chicago. On October 2, 1975, Mr. and Mrs. Vosper traveled to Chicago by privately owned automobile and Mr. Vosper reported for duty at the Chicago Regional Office on October 6, 1975.

Federal Travel Regulations (FPMR 101-7) (May 1973) para. 2-3.2 sets forth guidelines for eligibility for miscellaneous expense allowance and provides in pertinent part as follows:

"Eligibility

"a. Coverage. A miscellaneous expense allowance will be payable to an employee for whom a permanent change of station is authorized or approved and who has discontinued and established a residence in connection with such change regardless of where the old or new official stations are located \* \* \*."

The purpose of such allowance is to defray various costs associated with discontinuing residence at the old location and establishing residence at the new location incident to a transfer. Paragraph 2-3.3a provides for a miscellaneous expense allowance of \$100 for an employee "without immediate family" and \$200 for an employee "with immediate family."

The agency has cited decisions of this Office B-171685, February 22, 1971; B-162821, May 1, 1968; and B-164948, October 18, 1968, and interprets them as holding that one of the conditions necessary to entitlement to miscellaneous expenses at the with immediate family rate of \$200 is that the employee's spouse reside with the employee at the old duty station prior to the transfer. The above-cited decisions of this Office have held that in order for an employee to receive miscellaneous expenses at the with immediate family rate, it is necessary that the employee's immediate family discontinue their prior residence and establish a new residence in connection with the transfer.

As set forth in the above FTR paragraph 2-3.2a provides that the purpose of a miscellaneous expense allowance is to defray costs

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associated with discontinuing residence at one location and establishing residence at a new location in connection with an authorized or approved permanent change of station. The record shows that Mr. Vosper had vacated his residence at the YMCA hotel and moved into permanent quarters in a rented apartment around September 1, 1975, prior to Mrs. Vosper's transfer to Chicago on October 6, 1975.

Since Mrs. Vosper merely joined her husband at a residence previously established by him, it does not appear that Mrs. Vosper incurred miscellaneous expenses, incident to her transfer, in excess of those usually incurred by an employee without an immediate family. See B-162821, May 1, 1968.

In accordance with the above, Mrs. Vosper may only be allowed payment of miscellaneous expenses at the without immediate family rate of \$100.

*R. G. Kellum*  
Deputy Comptroller General  
of the United States